

REMARKS

Claims 1-3 are pending, and claims 1-3 stand rejected. Claim 1 is amended to further recite “determining members of a first winning set used to establish winners of the jackpot prize and the subordinate prize.” This amendment merely clarifies that winners of both the jackpot prize and the subordinate prize are established based on a single determination of a winning set. Support for this amendment may be found through out the specification and at least at paragraph [0028] and claim 1 as originally filed.

Claim Rejections – 35 USC § 102 or 103

Claims 1-3 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Markowicz.

Markowicz is directed to a network of individual or state lottery systems having independent structure for selecting individual winners. The individual lotteries also feed through to a network-level or national lottery having differentiated win pools at the network level, each one being separately accumulated and separately awarded. Markowicz describes separate entries, and thus separate drawings, for the network/national (jackpot) prize level and individual/state (subordinate) prize levels. An additional entry card may be provided for the network lottery game, or an additional mark area may be provided for the network lottery game on the same card as the individual lottery game. *See* Col. 4, lines 36-46.

Markowicz describes using a single entry card for two *separate* games, a national game and a state game. Using a single entry card is primarily for convenience. “Nevertheless, the national game is differentiated from the state game, and provides a different and larger pari-mutuel pool.” Markowicz at Col. 4, lines 54-56. The two separate games require two separate determinations of a winning set.

Furthermore, Markowicz describes awarding prices on a pari-mutuel basis. Markowicz does not teach or suggest a first member lottery awarding prices having a pre-determined fixed monetary value *in combination* with a second lottery awarding subordinate prices on a pari-mutuel basis in the *same* game with a single determination of numbers.

Thus, instead of awarding jackpot and subordinate prize levels in a single game based on a single determination of a first winning set, in which all member lotteries are eligible for the

jackpot prize, as generally recited in claim 1, Markowicz describes a jackpot (network/national) prize level for a first lottery drawing and a subordinate (individual/state) prize level for a second lottery drawing. Therefore, Markowicz fails to teach or suggest each feature of claim 1.

Reconsideration and withdrawal of the rejection is respectfully requested.

In conclusion, all of the claims remaining in this application should be in condition for allowance. Applicant, therefore, respectfully solicits a prompt notice to that effect. If there are any remaining questions, the Examiner is requested to contact the undersigned at the number listed below.

Respectfully submitted,

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